

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IGNACIO FIGEROA,

8:07CV460

Plaintiff,

V.

MEMORANDUM AND ORDER

TYSON FRESH MEATS, INC., a subsidiary of Tyson Foods, Inc.,

Defendant.

This matter is before the court on its own motion. On December 10, 2008, the court entered a Memorandum and Order requiring Plaintiff to “to file a sworn statement explaining why this case should not be dismissed for failure to prosecute and describing the discovery that Plaintiff has conducted to date, if any.” (Filing No. [36](#).) Plaintiff filed a Response on January 23, 2009, but the Response relates only to the award of attorney fees in one of Plaintiff’s related cases, Case No. 8:06CV748. (Filing No. [37](#).) Plaintiff has not set forth sufficient cause to avoid dismissal.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

July 24, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge